

EXHIBIT E

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE AMERICAN REALTY CAPITAL
PROPERTIES, INC. LITIGATION

Civil Action No.: 1:15-mc-00040-AKH

CLASS ACTION

This Document Relates To:

ALL ACTIONS

JET CAPITAL MASTER FUND, L.P., *et al.*,

Plaintiffs,

v.

AMERICAN REALTY CAPITAL PROPERTIES,
INC., *et al.*,

Defendants.

Civil Action No.: 1:15-cv-00307-AKH

STIPULATION AND [PROPOSED] ORDER SETTING PRETRIAL SCHEDULE

WHEREAS, trial in this matter is scheduled to commence on January 21, 2020;

WHEREAS, on June 14, 2019, the Court entered an order scheduling a hearing on *Daubert* motions and motions *in limine* for September 9, 2019, and scheduling the Final Pretrial Conference for October 3, 2019;

WHEREAS, the parties have met and conferred concerning proposed pretrial deadlines; and

THEREFORE, IT IS STIPULATED AND AGREED, by and between the parties, subject to approval by the Court, as follows:

1. The following pretrial schedule shall apply in these proceedings:

Witness Lists

| | |
|---------------|---|
| June 10, 2019 | Initial Witness Lists Exchanged ¹ |
| July 8, 2019 | Deadline to Identify Any Witnesses Not Previously Deposed |
| July 26, 2019 | Final Witness Lists Exchanged ² |

Exhibit Lists

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|--------------------|--|
| July 19, 2019 | Opening Exhibit Lists Exchanged ³ |
| August 12, 2019 | Objections to Exhibit Lists Exchanged |
| August 13-21, 2019 | Meet and Confer regarding Exhibit Lists |

Deposition Designations⁴

| | |
|-----------------|---|
| August 8, 2019 | Deposition Designations Exchanged |
| August 30, 2019 | Cross Designations and Objections Exchanged |

¹ All witness lists (including any supplemental or revised lists) should identify witnesses each party “Will Call,” “May Call,” and will submit “By Designation.”

² Witnesses can be added after this date on agreement or upon a showing of good cause.

³ Exhibits can be added after this date on agreement or upon a showing of good cause. This exchange does not include demonstrative exhibits or exhibits which may be used solely for impeachment or in rebuttal.

⁴ The exchange of deposition designations should include a chart documenting the lines designated and a pdf of each transcript with the relevant portions highlighted or marked. The parties will

| | |
|--------------------------|---|
| September 13, 2019 | Objections to Cross Designations Exchanged |
| September 16-18, 2019 | Meet and Confer regarding Deposition Designations |

Proposed Pretrial Order

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|-----------------------|---|
| September 23, 2019 | Parties to Exchange Sections |
| September 30, 2019 | File Final Proposed Pretrial Order, Pretrial Memoranda, Jury Charges, Special Verdict Forms, Witness Lists, Exhibit Lists, Deposition Designations, Jury Questionnaires, and Proposed Voir Dire Questions |

Motions in Limine

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|-----------------|----------------------------------|
| July 31, 2019 | Motions and Opening Briefs Filed |
| August 16, 2019 | Opposition Briefs Filed |
| August 28, 2019 | Reply Briefs Filed |

Daubert Motions

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|-----------------|----------------------------------|
| August 5, 2019 | Motions and Opening Briefs Filed |
| August 21, 2019 | Opposition Briefs Filed |
| August 30, 2019 | Reply Briefs Filed |

2. The dates in the “Witness Lists”, “Exhibit Lists”, and “Deposition Designations” categories, and the date for the parties’ exchange of sections of the proposed pretrial order, may be amended without court order by agreement of all parties.

meet and confer to discuss logistics of appropriately combining the parties’ designations and objections for the Court’s review, including identifying appropriate colors for each party’s designated testimony and determining how objections will be documented.

DATED: July 3, 2019

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IT IS SO ORDERED.
DATED: 7-8-19



THE HONORABLE ALVIN K. HELLERSTEIN
UNITED STATES DISTRICT JUDGE